

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

)	MDL Docket No. 2800
In re: Equifax, Inc. Customer)	Case No.: 1:17-md-2800-TWT
Data Security Breach Litigation)	
)	CONSUMER TRACK
)	
)	

**CONSUMER PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY
IN SUPPORT OF THEIR MEMORANDA OF LAW IN OPPOSITION TO
EQUIFAX'S MOTIONS TO DISMISS THE CONSOLIDATED
COMPLAINTS**

Plaintiffs in the consumer track respectfully submit the recent opinion of the Eleventh Circuit in *Muransky v. Godiva Chocolatier, Inc.*, Nos. 16-16486 & 16-16783, 2018 WL 4762434 (11th Cir. Oct. 3, 2018), as supplemental authority in support of their memoranda of law in opposition to Equifax's motions to dismiss the consolidated complaints (Doc. 452 (Consumer Plaintiffs) & Doc. 467 (Small Business Plaintiffs)).

In *Muransky*, the Eleventh Circuit affirmed the approval of a class action settlement in a case alleging violations of the Fair and Accurate Credit Transactions Act ("FACTA"). In rejecting an objector's arguments on appeal, the court considered the existence of Article III standing. *See Muransky*, 2018 WL 4762434, at *3-9. Equifax explicitly and implicitly raised this issue in its motion to

dismiss the small business claims (Doc. 441 at 10-20, 28-33), and in moving to dismiss the consumer complaint (Doc. 425 at 16-20). The court held that the mere act of providing a receipt with untruncated credit card numbers in violation of FACTA—which the court analogized to common law breach of confidence—gives rise to a concrete Article III injury. *Id.* at *4-6. Further, and directly applicable here, the *Muransky* court held that “when Godiva unlawfully gave an untruncated receipt to Dr. Muransky, he suffered the concrete injury of shouldering the cost of safely keeping or destroying the receipt.” *Id.* at *6. “[T]his type of time wasting constitutes an injury in fact. . . . Time spent safely disposing of or keeping the untruncated receipt”—or here, reacting to Equifax’s breach of personal information—may be “a small injury, but it is enough for standing purposes.” *Id.*

A copy of the opinion is attached as Exhibit A.

Dated: October 9, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was filed with this Court via its CM/ECF service, which will send notification of such filing to all counsel of record this 9th day of October, 2018.

/s/ Norman E. Siegel